of two lines of thought. The first considers damages like those sought in the principal case to be consequential; and so properly denies recovery unless the message itself discloses the details of the transaction sufficiently to put the consequences reasonably within the contemplation of the sending agent. *Primrose* v. *Western Union Telegraph Co.*, 154 U. S. 1; *Sanders* v. *Stuart*, 1 C. P. D. 326. *Cf. Hadley* v. *Baxendale*, 9 Exch. 341. Cases of the second class more properly regard the loss of the value of the information that should have been delivered as direct damages, but require, with varying degrees of exactitude, that the transaction be so disclosed that the damages may be said to result naturally from the breach of that kind of a contract. *True* v. *International Telegraph Co.*, 60 Me. 9; *Fererro* v. *Western Union Telegraph Co.*, 9 App. D. C. 455. *Cf. Cutting* v. *Grand Trunk Railway Co.*, 13 Allen (Mass.) 381. It is submitted, that this requirement is satisfied if the message shows itself to be of business importance, and that the few cases opposed to the principal case are correct in holding that a cipher message reasonably conveys such information. *Western Union Telegraph Co.* v. *Way*, 83 Ala. 542. *Contra, Candee* v. *Western Union Telegraph Co.*, 34 Wis. 471.

WILLS — TESTAMENTARY CAPACITY — DECLARATIONS OF ATTESTING WITNESS. — The contestants of a will offered evidence of declarations by a deceased attesting witness that the testator was of unsound mind when the will was made. *Held*, that the evidence is inadmissible. *Speer* v. *Speer*, 123 N. W. 176 (Ia.).

When evidence of a declaration is admitted under some exception to the hearsay rule, it may be shown by way of impeachment that the declarant made contradictory statements. *Carver* v. *United States*, 164 U. S. 694. By the weight of authority, proof of a deceased subscribing witness's signature is proof of a declaration that the document was properly executed. *Neely* v. *Neely*, 17 Pa. St. 227; *Townsend* v. *Townsend*, 9 Gill (Md.) 506. But a very respectable minority, including Baron Parke, treat such evidence merely as direct proof that the witness put his name there in a particular manner. *Stobart* v. *Dryden*, 1 M. & W. 615. Where, as in the principal case, this latter view is adopted, there is no declaration to be impeached by contradictory statements. But even if the attestation is a declaration, it is submitted that it does not declare that the testator was sane. See *Baxter* v. *Abbott*, 7 Gray (Mass.) 71. *Contra, Stevens* v. *Leonard*, 154 Ind. 67. The average man would probably be willing to witness a friend's will, although he did not believe that the friend had testamentary capacity. If, therefore, there was no declaration that the testator was sane, the evidence offered could not go in as impeaching such a declaration.

BOOK REVIEWS.

THE LEGISLATION OF THE EMPIRE. A Survey of the Legislative Enactments of the British Dominions from 1898 to 1907. Edited by C. E. A. Bedwell. In four volumes. London: Butterworth and Company; Philadelphia: Cromarty Law Book Company. 1909. pp. xxxv, 545; x, 482; x, 528; 231.

This valuable and interesting index to the legislation of Great Britain and of her colonies is the sort of book that is at once the despair and the envy of the American publicist. With all the extravagance at Washington, no money has ever been found to spend in compilations far more necessary of the statute law of the forty-six states, three territories, and the insular possessions of our Union. Such works can never have a popular sale large enough to justify the very great expense of publication. If the reviewer may be pardoned for alluding to his own digest, "American Statute Law," published in 1886, he would call attention to

the fact that so far as is known to its publisher, not only was there no help from the government, but not even one copy was purchased by the government for use of its ministers or consuls abroad, although several of them found the book so necessary in their work that they purchased and paid for it out of their own pockets. Germany, France, Great Britain, and, most notably of all, the little Kingdom of Belgium make annual official publications of the legislation both of those respective countries and even, in many respects, of the whole civilized world, as in the case of the monumental "Bureau of Labor" publication in Belgium. Under the auspices of the State Library of New York there has been a publication similar to this for nearly twenty years, most indispensable to all students of law and legislators, but the expense of this is borne by the State of New York.

The book we are reviewing is published under the auspices of the Society of Comparative Legislation of England, edited by C. E. A. Bedwell, with a preface by the Earl of Rosebery, and an introduction by Sir John Macdonell. It contains, in the first volume, the legislation of the British Isles, and the English possessions in North America, — that is to say, the Dominion of Canada, the eleven provinces thereof from Quebec to the Yukon Territory, Newfoundland, and Bermuda, with the Federal legislation of the Commonwealth of Australia, and the acts of New South Wales and Queensland. Volume II contains the rest of Australia, Papua, New Zealand, Fiji, and South Africa. Volume III, British India with its seven provinces, Ceylon, Hong Kong, Straits Settlements, Malay States, Mauritius, Seychelles, and Wei-Hai-Wei in China, Nyasaland, East Africa, Somaliland, and Uganda in East Africa, five provinces in West Africa, and the islands of the West Indies exclusive of Bermuda, British Guiana, British Honduras, Falkland Islands, St. Helena, and the Mediterranean colonies, so called, that is to say, Cyprus, Gibraltar, and Malta.

The work appears to be well done, although it might be wished that it were a little less of a summary index. The New York State Library Year Books seem to get a little more matter into a line than is the case with this English review. Also, an American student is puzzled by the different theories of indexing and the different names or catchwords. For example, one of the matters most likely to interest the American student is that of railway rate legislation, or laws fixing tolls in general, but neither one of these is to be found in the index, and even in the railway laws as digested that most important matter seems to be quite omitted. Inferentially it would appear that there is such legislation in Canada, while in Australia and New Zealand, the railways being under state ownership, such legislation is not necessary; but upon this most important matter the American reader gets no information. The same remark may be made on the subject of "Trusts," which word also does not appear in the index, nor do the words "combination or restraint of trade." On the other hand, another American subject — Constitutions — appears under that name in practically all of these colonies outside of the British Isles. Labor legislation, as is known, is very voluminous and radical in the Australasian colonies. As is pointed out by Lord Rosebery, there are many statutes curtailing personal liberty; more and more are licenses or diplomas required for exercising trades. "The age of contract seems to be ending; that of status returns" (Introduction, p. xxvi). On the other hand, there are very few acts affecting fundamental social institutions such as marriage, and scarcely any acts facilitating or extending the right to divorce, — in this respect notably different from the states of the American Union. New Zealand, however, as is apt to be the case in women's suffrage states, has much legislation making divorces easy and increasing the number of causes. Scarcely a colony has omitted to deal with some aspect of the sale of alcohol, usually by prohibitive legislation. Almost all the colonies have statutes excluding objectionable immigrants and shutting out the Chinese and Asiatics. Many of them limit or prohibit the sale of tobacco to minors, and the curfew act of British Columbia

makes it unlawful for a child under fourteen to be in the streets after nine P. M., and causes a curfew bell to be rung at that hour.

Sir John Macdonell tells us that there is a vast mass of labor legislation, except in South Africa, where there is none at all. These laws relate generally to factories, workshops, hours of labor, the prohibition of child labor, arbitration, and the fixing of wages as well as hours, in New Zealand at least; this being a novel economic experiment. In South Africa a factory is defined as any place where *one* person is employed, which makes possible the absolute regulation of employment except farm labor and domestic service. The compulsory arbitration laws, beginning in Victoria in 1890, have been copied throughout Australasia. They, with the minimum wage, are believed by most students to have arrested the industrial development of that country. The Canadian Act, more wisely drawn, contains no provision for compulsory arbitration. Many colonies, including Canada, have adopted statutes against "dumping." Tasmania, which we used to call Van Dieman's Land, is in the vanguard in matters æsthetic, for it prohibits the painting or advertising of any sign or name upon a rock or tree, or public place.

We may well conclude by quoting the general comment made in the Introduction: "They show a remarkable faith in the power of legislation to foresee what is best, to discipline men and to inculcate the practice of humane and moral principles. Perhaps, too, they show in the directness of their methods and disregard of tradition that worship of 'visible value' which Mr. Bagehot noted as a characteristic of colonial legislation." F. J. S.

THE LAW OF UNFAIR BUSINESS COMPETITION. By Harry D. Nims. New York: Baker, Voorhis, and Company. 1909. pp. xlvi, 581.

This is the most comprehensive treatise that has as yet been brought out under the title of "Unfair Competition." It includes chapters on unfair substitution, fraudulent names, trade secrets, good will, and trade libel. In other ways the author shows a proper conception of the real scope of his principal subject. He appreciates that this law against unfair competition which has grown up in recent years has at length practically disassociated itself from the subject of trademarks. To any observer of commercial conditions during the present generation, the extraordinary increase in unfair competition must have been noticeable. The advertised brand has acquired in modern times such an advantage in general merchandise that there have been far too many manufacturers and dealers ready to take the risk of virtual substitution or close imitation, trusting to their ability to escape the consequences by showing minor differences. But of late years the courts have shown such activity in meeting these new conditions by advancing the law to cover fraud in this new form that few offenders have escaped. And in no department of modern equity has the striking advantage of its peculiar processes been more clearly shown than in thus protecting legitimate business from unfair attacks. In this treatise the discussion of the fundamental principles is made more prominent than in the preceding books upon this subject; but, since it consequently discusses fewer cases upon the minor points, it might better be used by the practitioner along with the current books rather than in place of them. B. W.

A POCKET CODE OF THE RULES OF EVIDENCE IN TRIALS AT LAW. By John Henry Wigmore. Boston: Little, Brown, and Company. 1910. pp. liii, 566.

THE LAWS OF ENGLAND. By the Earl of Halsbury and other lawyers. Volume X. London: Butterworth and Company; Rochester: Lawyers' Co-operative